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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,660	05/16/2001	Guy Eden	SLA 1014	3934

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EXAMINER

REFAI, RAMSEY

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/859,660

Applicant(s)

EDEN, GUY

Examiner

Ramsey M Refai

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-26 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 7 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims state "building a GUI within approximately 0.5 seconds".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant Admitted Prior Art (AAPA).

6. As per claim 1, AAPA teaches a method for a querying device to determine the availability of network-connected devices, the method comprising:

at a querying device, building a graphical user interface (GUI) representing the availability of known network-connected devices; following the building of the GUI, querying the known network-connected devices to determine their availability (paragraphs [005-006]).

7. Claim 16 is rejected for the same reason as claim 1 above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Knodt et al (U.S. Patent No. 5,987,535).

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10. As per claim 2, AAPA teaches a method further comprising: at a querying device user interface, issuing a command requesting the availability of devices known to be connected to the network (paragraph [0005 –0007]).

11. AAPA fails to teach building a GUI representing the availability of known network devices includes building the GUI in real-time, in response to querying device user interface command.

12. However, Knodt et al show a method of providing immediate status and capability indicators of an imaging device to an operator by displaying at the user interface display screen (abstract; applicant explains that real-time is intended to refer to a very brief period of time that the querying device user perceives to be instantaneous). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of AAPA and Knodt et al because Knodt et al's use of immediate status of a user interface in AAPA's method would provide a user the ability to view the status of devices immediately by mimicking machine activities as they occur.

13. As per claim 3, AAPA teaches a method comprising: following the building of the GUI, representing each of the known network-connected devices in the GUI as unavailable (paragraph [0005]; device availability is validated only after it has received replies from all devices therefore all devices are unavailable prior to receiving these replies).

14. As per claim 4, AAPA teaches a method wherein querying of the known network-connected devices includes:

spawning a thread from the querying device to query each of the network-connected devices; and the method further comprising: receiving a query reply from a network connected device; and in response to receiving a query reply from a network connected device, changing the GUI representation of that particular network device to available (paragraph [0005-0006]).

15. As per claim 5, AAPA teaches a method further comprising:

failing to receive a query reply from a network connected device; and in response to failing to receive a query reply from a network connected device, maintaining the GUI representation of the particular network device as unavailable (paragraph [0007]).

16. As per claim 6, AAPA teaches a method wherein not receiving a query reply from a network connected device includes:

accepting a timeout period for each network connected device query; and if the timeout period expires before a query reply is received, determining that the particular network connected device is unavailable (paragraph [0007]).

17. As per claim 7, AAPA teaches a method wherein building the GUI in real-time includes building the GUI within approximately 0.5 seconds of the query device user interface command (paragraph [0005]; applicant explains that real-time is intended to refer to a very brief period of time that the querying device user perceives to be instantaneous).

18. As per claim 9, AAPA teaches a method of claim 6 wherein

spawning a thread from the querying device to query each of the known network-connected devices includes requesting a True/False answer; wherein receiving a query reply from a network connected device includes returning a True answer; and wherein changing the GUI representation of that particular network device to available includes changing the GUI representation to available in response to a True answer (paragraph [0006-0007]).

19. As per claim 10, AAPA a method of claim 9 further comprising:

returning a False answer if the timeout period expires before a query reply is received for a network connected device; and wherein maintaining the GUI representation of the particular network device as unavailable includes maintaining the GUI as unavailable in response to the False answer (paragraph [0006-0007]).

20. As per claim 11, AAPA teaches a method of claim 10 wherein

building a graphical user interface (GUI) representing the availability of network includes building a GUI on a computer with a graphical interface (paragraph [0006-0007]); and

wherein issuing commands requesting the availability of the network-connected devices includes requesting the availability of network-connected devices selected from the group including printers, copiers, scanners, faxes, automatic teller machines (ATMs), remote sensors, virtual private network (VPN) devices, satellite devices, and other computers (paragraph [0004]).

21. As per claim 12, APPA fails to show a method comprising: accepting a periodic refresh command; and wherein building a GUI representing the availability of known network-connected devices includes refreshing the GUI in response to a refresh command.

22. However, Knodt et al show a method wherein status of a printer, scanner, and copier are displayed to the user in the user interface and is updated periodically based on the job status of each device (column 3, line 63 – column 4, line 60 and Figures 1- 13). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of the AAPA and Knodt et al because Knodt et al's use of updating statuses of devices in the AAPA's system would allow a user to instantly view current status of network devices such as the progress of a print job.

23. As per claim 13, AAPA teaches a method of building a graphical user interface (GUI) representing the availability of the network-connected devices independent of system timeouts, the method comprising;

from a querying device, building a graphical user interface (GUI) representing the availability of known network-connected devices; initially representing the network-connected devices as unavailable (paragraphs [0004 - 0005]); and

modifying the GUI to represent available network devices in response to communicating with those particular network-connected devices (paragraph [0007]) .

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24. As per claim 14, AAPA teaches a method further comprising: maintaining the GUI to represent unavailable network devices in response to not communicating with those particular network-connected devices (paragraph [0007]).

25. As per claim 15, AAPA teaches a system for displaying network device availability, the system comprising:

a querying device having a graphical user interface (GUI) representing the availability of known network-connected devices (paragraphs [0004-0005]),

the querying device having a network connection port (inherent, a querying device must have a network communication port in order to connect to other devices) ;

at least one device having a network connection port for communications with the querying device (paragraph [0004]); and

wherein the querying device queries known network-connected devices to determine their availability, following the building of the GUI (paragraphs [0004 and 0007]).

26. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Knodt et al (U.S. Patent No. 5,987,535), as claim 2 above, and further in view of Bahlmann (U.S. Patent No. 6,393,478).

27. As per claim 8, AAPA shows a method wherein spawning a thread from the querying device to query each of the known network-connected devices(paragraphs [0006 – 0007]).

28. AAPA and Knodt et al fail to show a method that includes using a function selected from the group including a Sockets connect function, a ping function, and an NSLookup function.

29. However, Bahlmann shows that use of the NSLookup function (column 15, lines 12-32). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of the AAPA, Knodt et al and Bahlmann because Knodt et al's use of building a GUI in real-time and Bahlmann's use of NSLookup function in AAPA's system would allow a user to view instant status information regarding monitored devices by using NSLookup to find the IP address corresponding to the monitored devices and for devices to locate the monitoring device.

30. Claims 17-26 contains similar limitations as claims 2-15, therefore are rejected under the same rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- a. Russell et al (U.S. Patent No. 5,537,550)
- b. Chin et al (U.S. Patent No. 6,456,306)
- c. Cowan et al (U.S. Patent No. 6,115,743)
- d. Dev et al (U.S. Patent No. 6,049,828)
- e. Watson et al (U.S. Patent No. 6,631,409)
- f. Waters et al (U.S. Patent No. 5,913,035)
- g. Ohara (U.S. Patent No. 6,314,476)

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- h. Yamunachari et al (U.S. Patent No. 5,930,476)
- i. Kracht (U.S. Patent No. 6,377,987).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey M Refai whose telephone number is (703) 605-4361.

The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey M Refai
Examiner
Art Unit 2154

RMR
September 9, 2004

